



UNITED STATES PATENT AND TRADEMARK OFFICE

#25

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

MAILED

FEB 04 2004

Office of the Director
Group 3900

In re application of
Hiroshi Murakami, et al.
Application No. 09/349,423
Filed: July 7, 1999
For: SHARED VEHICLE SYSTEM AND METHOD
INVOLVING RESERVING VEHICLES WITH
HIGHEST STATES OF CHARGE

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the request filed on November 17, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved under Item A) above because the attorney making the request, and several of the attorneys listed as withdrawing in the request, do not now have, and apparently never have had, power of attorney in this application.

There is no record of power of attorney ever being given to the attorney making the request. The original declaration does not include a power of attorney for the requesting attorney, Ziyue J. Zhou, nor does it include a power of attorney to Robert D. Becker, Bruce J. McCubbrey and Jinntung Su, and no separate paper conferring power of attorney to these attorneys was filed. A paper filed March 23, 2001 from one of the assignees of record gave power of attorney to Peter M. Duchesneau and to Edward W. Jordan whose address is/was:

MANATT, PHELPS & PHILLIPS, LLP
11355 West Olympic Blvd.
Los Angeles, CA 90064

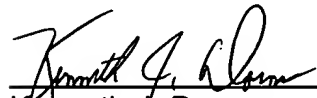
A letter to that affect was mailed from the Office on April 13, 2001.

The names and address of the attorneys listed in the request for withdrawal do not match with those previously given power of attorney, as indicated above, thereby creating confusion as to who is withdrawing.

A new power of attorney from Honda Giken Kogyo Kabushiki Kaisha filed January 7, 2004 has given power of attorney to:

FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

A letter to that affect was mailed from the Office on January 9, 2004.



Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(703) 308-0866

KJD/cps: 1/27/04

cc:

MANATT, PHELPS & PHILLIPS
1001 Page Mill Road, Building 2
Palo Alto, CA 94304